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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/227,568	01/08/1999	PAUL ENGLAND	777.211US1	8042
22801	7590	03/27/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/227,568</p>	<p><b>Applicant(s)</b></p> <p>ENGLAND ET AL.</p>	
	<p><b>Examiner</b></p> <p>Paul Callahan</p>	<p><b>Art Unit</b></p> <p>2137</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,6-12,15-17,19-22,25 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,6-8,15-17,19-22 and 27-30 is/are allowed.
- 6) ☒ Claim(s) 9-12 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>PC</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 3, 4, 6-12, 15-17, 19-22, 25, and 27-30 are pending in this application and have been examined.
2. The indicated allowability of claims 9-12 and 25 is withdrawn in view of the newly discovered reference(s) to Lipner et al., US 5,557,765. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lipner et al., US 5,557,765.

As for claim 9, Lipner teaches a computerized method for key-based secure storage (Abstract, col. 2 lines 19-31) col. 5 lines 60-67, col. 6 lines 1-10) comprising: downloading information and an access predicate that specifies requirements for an application to access the information (col. 6 lines 39-50); obtaining a storage key (col. 6 lines 39-50); encrypting the information using the storage key (col. 6 lines 39-50);

associating the access predicate with the encrypted information (col. 6 lines 39-50); storing the storage key in a key vault provided by a third-party (Abstract, col. 6 lines 50-60); and recovering the storage key from the key vault (col. 6 lines 50-60).

As for claim 10, Lipner teaches the computerized method of claim 9, wherein recovering the storage key comprises: requesting recovery of the storage key; and providing information to the third party to enable validation of the request (col. 6 lines 50-60).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 12, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipner.

As for claims 11 and 25, Lipner teaches the computerized method of claim 9, but not a method further comprising: selecting the key vault from a plurality of key vaults provided by a trusted operating system. However, Official Notice may be taken that the use of such a feature is old and well known in the art of key escrow cryptography.

therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Lipner. It would be desirable to do so since this would allow for a distributed system of key escrow that would provide for a system less vulnerable to attack or accidental disclosure. Lipner teaches all of the limitations of claim 25 except for selecting the key vault from a plurality of key vaults provided by a trusted operating system.

As for claim 12, Lipner teaches the computerized method of claim 9, but not a method further comprising: selecting the key vault desired by a provider of the information. However Official Notice may be taken that the use of such a feature is old and well known in the art. therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Lipner. It would be desirable to do so since this would allow greater control of the use of digital media by a content provider with less chance for unauthorized duplication.

***Allowable Subject Matter***

7. Claims 3, 4, 6-8, 15-17, 19-22, and 27-30 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art in the field does not teach the features of the claimed invention as found in the independent claims of: in combination with the other claim limitations:

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As per claims 3 and 8, generating an application storage key from a hash seed value,

As per claim 4, generating a user storage key from a second hash seed value,

As per claim 6, encrypting a plurality of other storage keys using an operating system storage key,

As per claim 7, generating an operating system storage key based on the seed value,

As per claims 15, 16, and 17, generating an operating system storage key based on an identity for the operating system,

As for claim 19, encrypt a seed value for a storage key using an operating system storage key,

As for claim 22, a storage key based on a seed value where the storage key is specific to a user,

As for claim 27, an authenticated operating system that encrypts downloaded information using a storage key based on a seed value, and which encrypts the seed value using the operating system storage key.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

3-16-05

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**